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Total Number of Pages in This Submission

6

Application Number	10/042,132
Filing Date	January 11, 2002
First Named Inventor	Kurt Alan RUBIN
Art Unit	2651
Examiner Name	N. Figueroa
Attorney Docket Number	ARC919990198US1

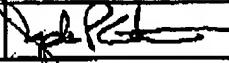
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Joseph P. Curtin, Registration No. 34,571
Signature	
Date	April 29, 2004

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Typed or printed name	Joseph P. Curtin, Registration No. 34,571
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Date	April 29, 2004

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Respectfully submitted,

By:

Joseph P. Curtin, Reg. No. 34,571

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Kurt Alan RUBIN)	Art Unit:	2651	
Serial No.:	10/042,132)	Examiner:	N. Figueroa
Filed:	January 11, 2002)	Atty Dkt:	ARC919990196US1
For:	PATTERNEDE MEDIA HAVING OFFSET TRACKS)		

RESPONSE TO OFFICE ACTION

MAIL STOP NON-FEE AMENDMENT
 Commissioner For Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action (Paper No. 4) mailed March 31, 2004, please reconsider the above-captioned application in view of the following remarks.

The Rejection Under 35 U.S.C. § 103(a) Over Rubin In View of Clifford, Jr.

Claims 1-6, 10, 14, 15, 17, 23, 24 and 26 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Rubin et al. (Rubin), U.S. Patent No. 6,421,195, in view of Clifford, Jr., U.S. Patent No. 5,276,566.

Applicant respectfully submits that the present invention according to any of claims 1-6, 10, 14, 15, 17, 23, 24 and 26 is patentable over Rubin in view of Clifford, Jr. Applicant respectfully submits that the applied patents are not properly combinable to form a basis for rejection of these claims.

Contrary to the Examiner's statement, there simply is no suggestion in either Rubin or Clifford, Jr. "to modify the apparatus disclosed by Rubin et al. with the ... teachings from Clifford, Jr. to include a head that can allow to read two adjacent tracks" with the "motivation being to avoid errors in the disk hence making sure the head is correctly centered over a track." In this regard, Applicant respectfully submits that Rubin discloses a magnetic disk medium having patterned linear magnetic channels in a radial direction of the disk. In contrast, Clifford, Jr. discloses a high-density helical-scan recording device in which data tracks are recorded at an angle relative to a lengthwise edge of a magnetic tape. Thus, the only thing that Rubin and Clifford, Jr. have in common is that both use a magnetic recording medium. That is, Rubin uses a magnetic recording medium disk and Clifford, Jr. uses a magnetic recording medium tape.

Consequently, Applicant respectfully submits that Rubin and Clifford, Jr. are so diverse and from such different magnetic recording technologies that one of skill in the art would simply not be motivated to modify the Rubin magnetic disk apparatus with the teachings of the Clifford,

Jr. helical-scan recording device at all, let alone to modify the Rubin magnetic disk apparatus to include a Clifford, Jr. helical-scan recording device head to read two adjacent tracks in order to avoid errors in the disk by making sure the head is correctly centered over a track.

Thus, Applicant respectfully submits that it is only by impermissible hindsight that the Examiner is able to reject 1-6, 10, 14, 15, 17, 23, 24 and 26 based on the proposed combination of Rubin and Clifford, Jr. Neither of the applied patents provides a proper suggestion for combination, and it is only by the Applicants' disclosure that the Examiner can select particular features of Rubin and Clifford, Jr. to make the rejection.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 1-6, 10, 14, 15, 17, 23, 24 and 26.

**The Rejection Under 35 U.S.C. § 103 Over Rubin
And Clifford, Jr. And Further In View Of Hamann**

Claims 11 and 12 stand rejected under 35 U.S.C. § 103 as unpatentable over Rubin and Clifford, Jr. and further in view of Hamann et al. (Hamann), U.S. Patent No. 6,233,206.

Applicant respectfully submits that Hamann does not cure the deficiencies of Rubin and Clifford, Jr. with respect to claims 1 and 2, the base claims of both claims 11 and 12. Specifically, Hamann does not cure the deficiencies in the proffered motivation for combining Rubin and Clifford, Jr. as a basis for the rejection of claims 1 and 2.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 11 and 12.

**The Rejection Under 35 U.S.C. § 103 Over Rubin
And Clifford, Jr. And Further In View Of Lundquist**

Claim 16 stands rejected under 35 U.S.C. § 103 as unpatentable over Rubin and Clifford, Jr. and further in view of Lundquist, U.S. Patent No. 4,623,867.

Applicant respectfully submits that Lundquist does not cure the deficiencies of Rubin and Clifford, Jr. with respect to claims 1 and 2, the base claims of claim 16. Specifically, Lundquist does not cure the deficiencies in the proffered motivation for combining Rubin and Clifford, Jr. as a basis for the rejection of claims 1 and 2.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claim 16.

**The Rejection Under 35 U.S.C. § 103 Over Rubin
And Clifford, Jr. And Further In View Of Mallary**

Claims 18, 19 and 25 stand rejected under 35 U.S.C. § 103 as unpatentable over Rubin and Clifford, Jr. and further in view of Mallory, U.S. Patent No. 6,430,123.

Applicant respectfully submits that Mallary does not cure the deficiencies of Rubin and Clifford, Jr. with respect to claim 1, the base claim of each of claims 18, 19 and 25. Specifically, Mallary does not cure the deficiencies in the proffered motivation for combining Rubin and Clifford, Jr. as a basis for the rejection of claim 1.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 18, 19 and 25.

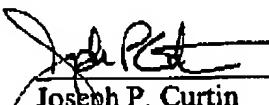
CONCLUSION

In view of the above arguments, it is urged that the present application is now in condition for allowance. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below.

A general authorization under 37 C.F.R. § 1.25(b), second sentence, is hereby given to credit or debit Deposit Account No. 09-0441 for the instant filing and for any other fees during the pendency of this application under 37 C.F.R. §§ 1.16, 1.17 and 1.18.

It is requested that this application be passed to issue with claims 1-26.

Respectfully submitted,


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Date: April 29, 2004